

Remarks

Claims 1 and 3 have been amended and new claims 11 and 12 have been added.

Claims 7-10 stand allowed.

Claim 1 as amended calls for a base block (1), at least a pair of posts (3) rising from the base block, a cross head (4) spanning between the pair of posts, and an actuator (11) mounted on the base block or the cross head. The actuator is provided to apply a load on a test piece positioned between the cross head and the base block. The cross head is secured to each of the posts via an elastic member (6), and the elastic member is constructed to be changeable in its jointing position with the cross head or with each of the posts to vary an elastic constant of the elastic member to change a resonance frequency of the test machine. The wording underscored in the previous sentence has been added by amendment to claim 1.

The patent to Gram (4,478,086) discloses a load frame cross head construction comprising a base 12, a pair of posts 14, 16 rising from the base, a cross head 18 between the pair of posts, and an actuator 28. However it is submitted that Gram does not disclose an elastic member of the type called for in applicant's amended claim 1. Gram discloses a flexing member 74 in FIG. 4 which is not changeable in its jointing position with the cross head or with each of the posts to vary an elastic constant of the elastic member, although the clamping position of the flexing member 74 with the post varies in a vertical direction. Furthermore, Gram does not disclose or suggest that the changeable connection position of the flexing member is utilized to change a resonance frequency of the test machine. The flexing member of Gram serves to

transmit a load or clamping stress adequately between the cross head and the post, which is different from the above mentioned operational effect of the elastic member of the present invention. Accordingly claim 1 as amended is believed to patentably distinguish from Gram as well as any of the other references of record.

Claim 2 is dependent on claim 1 and should be allowable along with claim 1.

Claim 3 is similar to claim 1, but defines the elastic member as made of a metal such that it is jointed to a top of each of the posts to extend laterally from the posts to define an arm while the cross head is jointed to the arm of the elastic member. Moreover, the elastic member is changeable in its jointing position with the cross head to vary an elastic constant of the elastic member to change a resonance frequency of the test machine. This underlined portion of the claim has been added by amendment. Claim 3 is believed to be patentably distinguishable from Gram for the reasons discussed above in connection with claim 1.

Claims 4-6 are dependent directly or indirectly from claim 3 and are believed to be allowable along with claim 3.

New claim 11 is dependent upon claim 1 and states that the elastic member is constructed to be changeable in its jointing position with the cross head, thereby further distinguishing from the prior art.

Claim 12 is dependent upon claim 11 and distinguishes further from the prior art by stating that the elastic member is formed with a plurality of bolt holes that are partially used for bolt-jointing the elastic member with the cross head to change the jointing position.

In view of the foregoing, this application is believed now to be in condition for allowance and such action is most respectfully requested.

The Commissioner is hereby authorized to charge any fees or credit any overpayment in connection with this communication to our Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on <u>April 28, 2005</u>.</p> <p> Noelle Constantinou</p>

Respectfully submitted,

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